HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 11085 of 2000

Dated 19th September, 2007

Between
Gullapudi Veterinary Hospital Building Construction Committee,
Rep. By its Member V.Ramachandra Prasad, and ors

…Petitioners

and

The Assistant Director, Animal Husbandry Department,
Nuzividu, Krishna District, and ors

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 11085 of 2000

ORDER:

This Writ Petition is filed questioning the order dated 16-6-2000 passed by the Assistant Director, Animal Husbandry Department, Nuzividu, in proceedings No.1022-E/2000. By the said order, instructions were issued for removal of the inscription plaque containing the name of Sri Vegunta Radha Krishna, which was erected illegally in the Veterinary Hospital, at Gullapudi village.

It is stated that prior to 1993 there was no veterinary hospital in Gullapudi village. But however, when site was donated and building was constructed with the donations, Veterinary Hospital is running under the control of Animal Husbandry Department. It is stated that for the purpose of construction of the veterinary hospital, a committee was constituted, by name, Gullapudi Veterinary Hospital Building

Construction Committee, represented by second petitioner and the said committee mobilized the funds and also secured site admeasuring 19 cents from one Sri Vurakaranam Koteswara Rao. It is further stated that though initially some donations were collected, but however, as the said donations were not sufficient for completion of the building, the petitioners have approached one Sri Vegunta Radha Krishna and obtained loan to the tune of Rs.23,000 and completed the construction. It is stated that when they could not repay the said loan amount, on their request, the said amount was treated as donation in the name of Sri Vegunta Radha Krishna, subject to condition of inscribing his name as donor of the hospital building. It is further stated that in view of the same, the name of Sri Vegunta Radha Krishna was inscribed on the plaque and embedded on the wall of the hospital. It is the grievance of the petitioners that due to political reasons, impugned order had been passed for removal of the said plaque, without giving prior notice and opportunity.

Counter affidavit is filed by the Assistant Director of Animal Husbandry. It is stated that there is no committee in the name of Gullapudi Veterinary Hospital Building Construction Committee at any point of time and there is also no record to that effect. It is stated that at first instance, Veterinary Dispensary was started at Gullapudi village in a private building on 14-5-1993 without any rent and thereafter, the Government by order in G.O.Ms.No.51, Food and Agriculture (AH.III) Department, dated 21-1-1993 sanctioned Livestock Supervisory Unit, at Gullapudi, in the name of Livestock Supervisory Unit and the same remained as Veterinary Dispensary. It is further stated that one Sri Vurukaranam Koteswara Rao executed a gift deed in favour of the

Government gifting about Ac.0.11 cents and 143 links of site, on which, a building has come up to run Veterinary Hospital. It is stated that at the time of inauguration, there is only one inscription plaque containing the names of Sri V.Koteswara Rao and V.Suryanarayana Rao as donors. But however, without obtaining any permission from the competent authority, on 7-6-2000, and, in the absence of attender, by causing damage to the wall, the inscription plaque containing the name of Sri Vegunta Radhakrishna was affixed to the wall of the Veterinary Hospital.

In this Writ Petition, it is submitted by the learned Counsel for the petitioner that as much as Sri Vegunta Radhakrishna also donated an amount of Rs.23,000/-, an inscription plaque containing the name of said Sri Vegunta Radhakrishna was embedded on the wall of the hospital during the year 1999. But however, the same was ordered to be removed only for political reasons, without conducting any enquiry and giving prior notice.

But, however, in the counter affidavit, it is specifically stated that at the time of inauguration of the building, there was only one inscription containing the names Sri V.Koteswara Rao and Sri V.Suryanarayana, as donors. In fact there is no acceptable material to show that any further amount of Rs.23,000/- was alleged to have been obtained by way of donation from the said Sri Vegunta Radhakrishna. In any event, after construction of the building for running the Veterinary Dispensary, it is not for the petitioners to take the law into their own hands and affix the inscription plaque containing the name of Sri Vegunta Radhakrishna, on their own. In such a case, they should have obtained due permission from the competent authority. But in the instant case, there is no such permission from the competent authority

to affix the inscription plaque containing the name of Sri Vegunta Radhakrishna. In absence of such permission from the competent authority, and, as it is stated in the counter affidavit that on 7–6-2000 some persons, that too in absence of attender, caused damage to the wall of the Veterinary Hospital and affixed the inscription plaque, the respondents are justified in issuing instructions for removal of the said inscription plaque which was affixed illegally. I do not find any merit in the Writ Petition.

The Writ Petition is devoid of merits and is accordingly dismissed. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 19-9-2007
Msnr.